

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET
BEFORE THE HONORABLE JUDITH C. HERRERA

CR No:	16- 4571 JCH	USA vs.	Rosenschein
Date:	1/31/23	Defendant:	Guy Rosenschein
Time In/Out:	10:04 – 11:06		Total Time in Court: 1 hour 2 minutes
Clerk:	E. Romero		Court Reporter: Paul Baca
AUSA:	Sarah Mease and Holland Kastrin		Defendant's Counsel: Marc Lowry
Sentencing in:	Albuquerque		Probation Officer: C. Aguilar
Interpreter:	n/a		Interpreter Sworn? <input type="checkbox"/> Choose an item.
Convicted on:	Plea		As to: Information Counts: 1-8
Guilty Plea:	Accepted		Plea Agreement: Accepted
Date of Plea/Verdict:	10/15/21	PSR: Not Disputed	<input checked="" type="checkbox"/> Courts adopts PSR Findings Evidentiary Hrg: Not Needed
Exceptions to PSR:			

SENTENCE IMPOSED

IMPRISONMENT (BOP):	As to Counts 1 thru 8 - 210 months; said terms to run concurrently		
<input type="checkbox"/> 500-Hour Drug Program	<input checked="" type="checkbox"/> BOP sex-offender treatment program	Other:	
SUPERVISED RELEASE:	As to Counts 1 thru 8 - 10 years; concurrently		<input checked="" type="checkbox"/> Mandatory/Standard Conditions

SPECIAL CONDITIONS OF SUPERVISION

<input checked="" type="checkbox"/>	Defendant must not incur new credit charges, negotiate, or consummate any financial contracts or open additional lines of credit without prior approval of the probation officer.	<input checked="" type="checkbox"/>	Defendant must provide the probation officer access to any requested financial information and authorize the release of any financial information.
<input checked="" type="checkbox"/>	Defendant must participate in mental health treatment program and follow rules and regulations of the program; You shall waive your right of confidentiality.	<input type="checkbox"/>	Defendant must take all mental health medications as prescribed by the treating physician.
<input type="checkbox"/>	Defendant must participate in community-based program which provides education and training in:	<input checked="" type="checkbox"/>	Defendant must reside at a Residential Reentry Center for a term of (up to) 180 days
<input checked="" type="checkbox"/>	Standard sex offender conditions adopted by the District of New Mexico on July 20, 2018.	<input checked="" type="checkbox"/>	Defendant must undergo a sex offense-specific assessment to determine the level of risk for sexual dangerousness, recidivism, and amenability to treatment and formulate treatment recommendations if treatment is necessary; You shall waive your right of confidentiality.
<input checked="" type="checkbox"/>	If recommended in the sex offense-specific assessment, you must begin attending and participating in sex offender treatment consistent with the recommendations of the evaluation	<input checked="" type="checkbox"/>	Defendant is prohibited from viewing or possessing any material that depicts sexually explicit conduct as defined in 18 U.S.C. 2256, including images, books, writings, drawings, video games, or videos depicting actual sexual intercourse.
<input checked="" type="checkbox"/>	Defendant must not have direct contact with children under the age of 18 years without written approval of the treatment provider in conjunction with the probation officer.	<input checked="" type="checkbox"/>	Defendant is restricted from engaging in an occupation where you have access to children without prior approval of the probation officer.
<input checked="" type="checkbox"/>	Defendant must not go to or remain within 100 feet of school yards, parks, playgrounds, arcades, or other places used primarily by children under the age of 18 years old.	<input checked="" type="checkbox"/>	Defendant must not volunteer for any activities in which you supervise children or adults with mental or physical disabilities
<input checked="" type="checkbox"/>	Defendant must cooperate and comply with the United States Probation Office's Computer Restriction and Monitoring Program (CRMP) as outlined.	<input type="checkbox"/>	

MONETARY PENALTIES / FORFEITURES

Fine: \$	-0-	Restitution: \$	125,000.00 details of distribution to be provided; and 5,000.00 to Justice for Victims of Trafficking Act of 2015.	SPA: \$	800.00	Due Immediately
Forfeit rights title & interest to:			Items identified in paragraph 19a-f of the plea agreement			

OTHER

<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement	<input checked="" type="checkbox"/>	Held in Custody
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<input type="checkbox"/>	Recommended place(s) of incarceration:
<input type="checkbox"/>	Dismissed Counts:
PROCEEDINGS	
<p>Court in session – parties state appearances; Ms. Mease addresses Court and offers a proposal of how to proceed in this matter; Ms. Mease does not intend to offer any evidence but in exchange, will read two victims’ impact statements; Court requests clarification about victim impact statements; Ms. Mease responds; Mr. Lowry concurs; Court outlines documents reviewed for sentencing; Mr. Lowry withdraws objections; Ms. Mease addresses Court re: guideline range agreement by parties; Mr. Lowry concurs; Court addresses parties re: pattern enhancement and concurs with guideline calculation proposed by the parties and will not apply the enhancement; Court will accept the plea agreement; Mr. Lowry addresses Court for sentencing; Defendant does not wish to address the Court; Ms. Mease addresses Court for sentencing; Ms. Mease reads victims’ impact statements into the record; Court outlines inclination as to supervised release; Parties concur; Court addresses defendant and imposes sentence; The Court suspends the mandatory drug testing condition as the defendant poses a low risk of future substance abuse; Ms. Mease will provide the Court with details outlining distribution of restitution (\$125,000.00) within 30 days; Parties have nothing to add.</p>	